(1)

CLASS B CLASS B

NOTES

MYSORE GOVERNMENT SECRETARIAT

25-7-60

AF-D. 510 F 1-59

File No. ~~510 F 1-59~~

Department of Agriculture and Forests

Section Forests

Subject: Forest Lands: Grants.

Request for ... from Sri Cheranda Ditappa Naik...

References:

Notes 1-7
Corres 1-22

Date	To whom sent	Notes and instructions
		G.O on. 2-7-60 To The C C F Blore. The R Deptt. The Dy Comr. S. Kanara Copy to W. G. 1/9/60 Reserved

FOR NOT FOR NOTE BOOK
UNDER SECRETARY
Under Secretary to Govt.

30.7.59
22.7.60

A 1/4/04

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಅರಣ್ಯ, ಪರಿಸರ ಮತ್ತು ಜೀವಿಶಾಸ್ತ್ರ ಇಲಾಖೆ,
(ಅರಣ್ಯ-ಸಿ).

AFD 510 FGL 59 (2)

Mysore Government Secretariat

File No. (1) of 195 [App. F. III 2

Serial No.	
1	Subject:- Forest land - Alletty village - Puttur Taluk - S nos. 336/A 336/A3B & 336/A5 - petition of Sri Cheranur Dithappa Naik
2	D 9058 1/4 dt 23-9-59 for perusal
3	One Sri Cheranur Dithappa Naik his brother & their father sold plots S nos 216/1 & 2 of Alletty to Sri Poovayya Gowda in 1941.
4	Govt of Madras had granted lease to collect the usufruct of the trees in the S nos. 336/1A1, 336/1A3A & 386/1A4 of Alletti along with others S nos inside the RF for cultivation of plantation products only. This is however subject to the concurrence of the Forest Dept.
5	The CCF now recommends cancellation of the Madras Govt order & rejection of the applicant's request. (C of 1/4)
6	Sri Poovaiah Gowda who purchased the lands from the petitioner's father. This two nos also objects to the grant as it interferes with his enjoyment of the land in view of the close proximity of the lands (D of 5/4)
7	The CCF also recommends

Note.—Contn. Sheet

eviction of the personal Godown from the encroached area.

8) Before a decision is taken and orders issued, RD may be requested to make available the collection on RD 72 LGU 57 referred to at P. 4/c. It will be necessary also to see the proceedings underlying the Madras Govt Order. They may be obtained from them.

30/9

(9)

8.X.59

SPM

21/10

10) The Govt of Madras which ordered lease of the areas referred to in the CCJ's letter, will be addressed to make available the proceedings leading to the above order.

11) A draft Govt at p. 11/c may be approved subject to para 9 ante.

12. After receipt of the Govt RD may be requested to make available their file No. RA 72 LG 57

22/10.

Sri. T. G. S. gone for

17/XI

17.X.59

SPM

27/10

Serial No.

13 RD may kindly make available to this Dept, their file bearing no. RD 72 LGU 57, for reference & return.

5/11

9.11.59

19433
16 NOV 1959
REVENUE

14 R.D — 'B' Ban

SAC 11/11

RD Collection 72 LG 457 is placed below for transmission to A&FD as at para 13 of notes. The Collection may be returned when done with.

24/XI/59

25/11/59

M. VENKATAGIRIRAJU, Under Secy., Rev. Dept

15 The Govt of Madras from whom previous records were called for in GL dt 26-11-59 have not yet sent them. They will be reminded. Dfa. 27/2

DEPUTY SECRETARY TO GOVT.
NO.....
8 MAR 1960
AGRICULTURE & FOREST DEPTT

1/3/60

12/3

16 RD requests that their records

Note.—Contn. Sheet

(4) (5)

File No. DPD 510 FGL of 1959. (RD 72 LGK 57)

Mysore Government Secretariat

	Serial No.	
bearing no. RD 72 LGK 57 be sent to the Govt pleader (High Court) in connection with a writ petition. If approved the opn to the Govt pleader will issue. M. Isme Kg 16/3 16/3/60 PRM 16/3/60	17	P 29/c Sus 17/3
Please see letter dt. 1-4-60 for perusal.	18	
RD may be requested to make available the collection referred to at 'A' of p. 39/c. For compliance Kg 26/4 25/4/60 PRM 26/4/60 RD) K. S. N. MURTHY, Dy. Secy. Agri & Forest Dept.	19	
The connected file is clubbed in file no. R.D. 72 LGK 57 the original file is flagged "L". This may be returned to A & F. Dept. 28/4/60 28/4 A & F D) 30/4 M. VENKATAGIRIYA, Under Secy., Rev. Dept. Kg 30/4 MS 28/4	20.	

MYSORE GOVERNMENT SECT. No. 5080 28 APR 1960 REVENUE BRANCH.

Office of the Registrar-I R.D. 1960 Date 27 No. 7576

Mysore Government Secretariat

AFD 510 FGL 59

File No. 2 (5) of 195

[App. F. III 2

(6)

Serial No.

21 R.D may kindly offer their remarks on the CCF's letter dt p.1/c

For compliance please

24/5/60

RD)

25/5/60

25.V.60.

K. S. N. MURTHY,
Dy. Secy. Agri & Forest Dept.

Office of the Registrar-I R.D.
Date. 27 MAY 1960
No. T 3271

22 Kindly see G.O. No. RD. 72 LGU 57 dated 10-7-1958 in which it is ordered to assign S. Nos. 336/1A1, 336/1A3A, and 336/1A4 of Akki village has been assigned to Sri. Poovaiah Gowda. The upset price to be fixed by the D.C. In the circumstances we may perhaps agree to the proposal of the C.C.F. to reject the petition of Sri. Aithappa Naika and to return the file to A & F. Dept.

27/5

23 The application of Sri Aithappa Naika in respect of S. No. 336/1A1, 336/1A3A, and 336/1A4 may be rejected in view of the G.O. dated 10.7.1958 quoted above

28/5/60

28/5/60

A & F Dept

DS RD
28/5

MYSORE GOVERNMENT SECRETARIAT
6273
27 MAY 1960
REVENUE BRANCH

31/5

~~25 CCF's proposal is to cancel the~~

Note.—Contn. Sheet

Mysore Government Secretariat

AFD 510 FGL 59

File No. (6) of 195

[App. F. III 2

(7)

Serial No.

25 This is a case relating to the grant of land sanctioned by the Government of Madras. Certain areas in the belt area and also within the Reserve Forest in Puttur were granted by them to Sri.Kithappa Naik who sold them to Sri.Poovayya Gowda by means of registered sale deed along with the encraoched areas.

26 Government in the RD have granted some of the plots namely three plots lying within 50 yards of the Reserve Forest ~~have granted~~ to Sri.Poovayya Gowda in their no. RD 72 LGU 57 dt. 10-7-58.

* Slip 'I' of file placed below.

27 The petitioner Sri.Aithappa Naik now requests to give effect to the Madras Government Order stated above. The CCF in his letter dt. 21/9/59 recommends rejection of his petition in view of the circumstances stated by the DFO,SK, Mangalore in his letter dt. 9-6-59 as also to cancel the Madras Government Order. RD also accepts. please see para 24 a.

(8) 3/c

28 His recommendation may be accepted and the draft G.O. put up may kindly be issued with the approval of the Minister for Forests & Transport.

29 15/6/60. We may cancel the Madras Govt's order and also reject the request for grant of land

15/6/60.

M (F & Tr) 16/6.60.

K. S. N. MURTHY,
Dy. Secy. Agri. & Forest Dept.

30)

17/6

17/6

17/6

47/c (revised)

Draft at p. 43/c ~~already put up~~ may kindly be app. for approval

31 18/6. DS very badly delayed pl issue

18/7 & 19/7

AGRICULTURE & FOREST SECRETARY 4595 17 JUN 1960 GOVERNMENT OF MYSORE

OFFICE OF THE MINISTER FOR FOREST & TRANSPORT No. P.382 17 JUN 1960

DEPUTY SECRETARY TO GOVT. NO. 342 20 JUL 1960 AGRICULTURE & FOREST DEPTT.

Note: Contd. Sheet

File No. 570 FEL of 195

Mysore Government Secretariat

	Serial No.	
G.O. Issued on 2-3-60		B
2317		25/1/60

No.B3-Pet-335/58

Chief Conservator's Office,
Bangalore, dated 18-9-1959.

To

The Secretary to Government,
Agriculture and Forest Department,
Bangalore.

Sir,

Sub:-Forest land - Alletty village - Puttur Taluk - S.No. 336/A2, 336/A3B and 336/1A5 - petition of Sri Cherur Aithappa Naik.

In enclosing the application of Sri Cherur Aithappa Naik along with a copy of Madras Government order No.Ms 3407 dated 2-11-1955 on the above subject I have to state that the Government of Madras in their above order have sanctioned to the petitioner the lease to collect the usufruct of the trees on the 336/1A1, 336/1A3A and 386/1A4 of Alletti village lying between Alletti Reserve Forest and the patta lands in S.No. 216/2 within a belt area of 50 yards of the Reserve Forest. They have also ordered the lease of 3 plots in S.No.336/1A2, 336/1A3B and 336/1A5 to the applicant which are within the Reserve Forest for cultivation of plantation products only, to be granted with the concurrance of the Forest Department. The applicant now requests for giving effect to the above order of Government. In this connection a copy of letter No.A3-140-2348/58 dated 13-7-1959 of the Conservator of Forests, Coorg Circle, along with its enclosures ~~are~~ enclosed for kind perusal. From the report it can be seen that the two plots that were ordered to be granted to the applicant are now in possession of one Sri Hoovaya Gowda and that inrespect of the plots lying within the buffer area Government in the Revenue Department have already ordered the grant of the same to Sri Hoovaya Gowda. Further Sri Hoovaya Gowda is reported to be objecting to the grant of the plots inside the Reserve Forest, which are being enjoyed by him, to the applicant. In the circumstances the Conservator of Forests recommends rejection of the application. I agree with him and request cancellation of the Madras Government order referred to above. The Conservator of Forests is being asked to take steps to vacate the areas encroached by Sri Hoovaya Gowda inside the Reserve Forest.

Orders of Government may kindly be issued early.

Yours faithfully,

(K.KADAMBI)
Chief Conservator of Forests.

AS-4/9

MYSORE GOVERNMENT SECRETARIAT
NO. 9058
23 SEP 1959
FOREST BRANCH

Copy of letter No.A3-140-2348/58 dated 13th July 1959 from the Conservator of Forests, Coorg Circle, Mercara, to the Chief Conservator of Forests in Mysore, Bangalore.

Sub:-Forest land - Allethy Village Puttur Taluk Sy.No.336/A2, 336/1A3B and 336/1A5 -petition of Chernur Aithappa Naik.

Ref:-Your letter No.B3-Pet-335/58 dated 25-5-1959.

I enclose herewith a copy of letter No.227/56-C5 dated 9th June1959 received from the District Forest Officer, South Kanara, furnishing the information called in your letter referred above:

From the perusal of the District Forest Officer's report it may be seen that the encroachments made both inside the reserved forest and the buffer area are now in the possession of Sri Hoovaya Gowda. The Government of Mysore in their order No.RD 72-LGN 57 dated 20th July 1958 (copy enclosed) have assigned the area encroached in the buffer area to Sri Hoovaya Gowda and have ordered to grant lands to Sri Aithappa Naik elsewhere in the same village or in the adjoining villages. Sri Hoovaya Gowda has objected to the grant of the areas encroached (S.Nos.336/1A2, 336/1A3,B and 336/1A5) inside the reserved forest to Sri Aithappa Naik. The statement recorded by the District Forest Officer, in this connection is enclosed.

In the circumstances explained, the request of Sri Aithappa Naik to assign the above areas cannot be considered and may please be rejected.

Copy of letter No.227/56 C5 dated 9-6-59 from the District Forest Officer, South Kanara, Mangalore to the Conservator of Forests, Coorg Circle, Mercara.

Sub:-Forest land - Alletty village - Puttur Taluk - S.No.336/1A2, 336/1A3B end 336/1A5- petition of Sri Chernur Aithappa Naika

Ref:-Coorg Circle Conservator's Ref A3-140-2348/58 dated 31-5-59.

With reference to the above I enclose herewith a sketch showing the S.Nos. encroached by Sri Chernur Aithappa Naika withing the reserved forest limits and also the S.Nos. encroached in the buffer area for favour of perusal. The following improvements have been done in the encroached plots inside the reserved forest limits. S.No.336/1A2-34 Areca trees of about 25 years old and one Cashew tree of about 35 years and 30 plantain trees. S.No. 336/1A3B - about 200 ~~fe//er-v-e~~ pepper vines. S.No.336/1A5- 5 Areaa trees of 20 years old and 200 plantain trees. Enquiry revealed that the above encroachments were made by one Kepu Naika about 20 - 25 years back who was originally the owner of the adjacent Chernur enclosure, S.Bo.216/1 and 2 of Alletty village. In about 1941 Kepu Naika and his sons Chomanna Naika and Aithappa Naika sold S.No.216/1 and 2 of Alletti to Sri Hoovaya Gowda. From that period onwards Sri Hoovaya Gowda the owner of the above S.Nos. was enjoying the encroachments made in the buffer area as well as the encroachments inside the reserved forest. Hence the encroached portions are not in the possessions of the petitioner Sri Chernur Aithappa Naika at present. The present owner of the Chernur enclosure Sri Hoovaya Gowda objects for assigning the encroachments made inside the reserved forests to Sri C.Aithappa Naika as it will greatly affect his adjacent area garden just below the encroachments. Copy of the statements recorded from Sri Aithappa Naika and Sri Hoovaya Gowda are enclosed for favour of perusal. The encroachments are adjacent and in continuation of the patta land of Sri Hoovaya Gowda. Encroachments in the buffer area S.No.336/1A1, 336/1A34 and 336/1A4 of Allety village is also in the possession of Hoovaya Gowda and over which there was long standing dispute and litigation between Sri Hoovayya Gowda and Sri Aithappa Naika. The Government order produced by Sri Hoovayya Gowda shows that (Mysore Government order R.D. 72 LGU

P.T.O.

57 dated 26-7-1958) the S.Nos. 336/1A1, 336/1A34 and 336/1A4 of Aletti village (encroachments in the buffer area of the Reserved Forest) have been assigned to Sri Hoovaya Gowda (it is presumed that the correct name is Poovaya Gowda) A copy of this order is enclosed for perusal. This may be varified with the connected back records.

The Madras Government order could not be given effect to immediately as the original survey stones and cairns were shifted back by the encroacher and had to be located and fixed with the help of the Taluk Surveyor. This caused lot of delay but now the correct boundary line of the Reserved Forest has since been laid down in the filed as shown in the sketch enclosed.

Statement given before the forest Range Officer, Sullia on 19-6-1958

Chernur Aithappa Naik son of Kepu Naik Marati aged 30 years.

My father late Kepu Naik and myself and my brother Choma Naik were original owners of S.No.216/1 and 2 of Alletty and we sold it to Hoovaya Gowda in 1941. The surrounding encroachments were made by us prior to 1941.

I was present when the Forest Range Officer is surveying the encroached limits inside the R.F. S.No.336/1A4, 336/1A2, 336/1A5. I am willing to take the encroachments shown above inside the R.F. on lease from the forest department, I am not possessing any land or property in my name. I am working as a cooli and I belong to Marati community. I am ready to deposit the required amount and is prepared to abide by the conditions and restrictions imposed by the Forest Department.

Read over and translated into Kannada and found to be as stated by me.

Sd Aithappa Naika

Government of Mysore

No.RD 72 LGU 57

Mysore Government Secretariat
Vidhana Soudha,
Bangalore, dated 26th July 1958.

Endorsement granted to
1. Sri Ghernur Aithappa Naika son of Sri Kepu Naika Abetti village Puttur Taluk (Petitioner)
2. Sri Pooviah Gowda C/o Sri K.P. Muddappa B.A. LL.B., Advocate 687 Chickpet, Bangalore City (Respondent)

Sub:-Revenue petition No.RD 72 LGU 57 regarding disposal of S.Nos, 3361A1, 336/1A34 and 3361A4 of Aletti village Puttur Taluk Wouth Kanara District.

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As per Government order No.RD 72 LGU 57 dated 10-7-1958, S.Nos. 336/1A1, 336/1A34, and 336/1A4 of Aletti village, Puttur Taluk South Kanara District have been assigned to Sri Pooviah Gowda for upset price to be fixed by the Deputy Commissioner with the direction that the Deputy Commissioner may take action to grant lands to Sri Aithappa Naika elsewhere in the same village or in the adjoining villages.

Sd. B.Balasubramanyam,
For Secretary to Govt. Revenue Department.

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Copies

For Chief Conservator of Forests.

(12) 5

1(A2)

Statement given before the Forest Range Officer, Sullia on 28-6-58 a at Chernur.

'D'

Name - Hoovaya Gowda son of Kolchar Subbanna Gowda Aletty Village Puttur Taluk.

I am the owner of S.No.216/1 and 2 of Aletty village and the plot S.No.216/1 and 2 was purchased by me in 1941 from Kepu Naik and his sons for Rs.500/- and the encroachments inside the reserved forest was made by Kepu Naik and from 1941 onwards the encroachments were enjoyed by me and it is also stated in the sale deed that I may get the encroachments as assignment. If the encroachments S.No.336/1A3B, 336/1A2 and 336/1A5 were leased to Aithappa Naik, my areca garden which is just below the encroachments will adversely affected. Moreover the above encroachments were enjoyed by me from 1941 and there is no justification now to lease the encroachments to Aithappa Naika and I am willing to take the encroachments on lease and prepared to abide by the conditions and restrictions imposted by the Forest Department.

Read over and translated into Kannada and found to be as stated by me.

Sd. Koluchar Hoovaya Gowda

'B'

Copy of G.O.Ms.No.3407 dated 2nd November 1955 from the Government of Madras, Revenue Department.

Sub: Land (South Kanara) Puttur Taluk - Aletti village S.No. 336/1A1, 336/1A2, 336/1A3, 336/1A3B, 336/1A4 and 336/1A1 usufruct of trees and lease of plots - proposals accepted.

Read:-The following - petition dated 10-3-1954 from the President, South Kanara District Association of Maratis.

From the Collector of South Kanara C.7517/54-A1 dated 4-7-1954
From the Board of Revenue E.1969/54-8 dated 12-5-1955

Order- In the circumstances reported the Government accept the Board's recommendation and sanction the lease to Sri Aithappa Naika of the usufruct of the trees on the three plots viz 336/1A1 336/1A3A. and 336/1A4 of Aletti village in Puttur Taluk, South Kanara District which lie between Aletti Reserved Forest and the patta lands in S.No.216/2 within a belt area of 50 yards of the reserved forest.

2. The Board has recommended the lease to Sri Aithappa Naika of the other three plots also viz. 336/1A2, 336/1A3B and 336/1A5 which is within the Aletti Reserved forest. Under Article 30 of the Forest Department code, the collector can grant leases of lands in reserved forests for cultivation of plantation products only and that too with the concurrence of the Conservator of Forests concerned who in turn will have to take the orders of the Chief Conservator of Forests also. Subject to section action being taken accordingly the Government have no objection to the lease of these 3 plots to Sri Aithappa Naika. The Board of Revenue is requested to instruct the Collector in the matter accordingly.

3. The lease of lands referred to in para 1 and 2 above should be restricted to suitable periods to be fixed by the collector. In the case of the lands referred to in para 2 above, the Forest Department should be consulted also for fixing the period of lease.

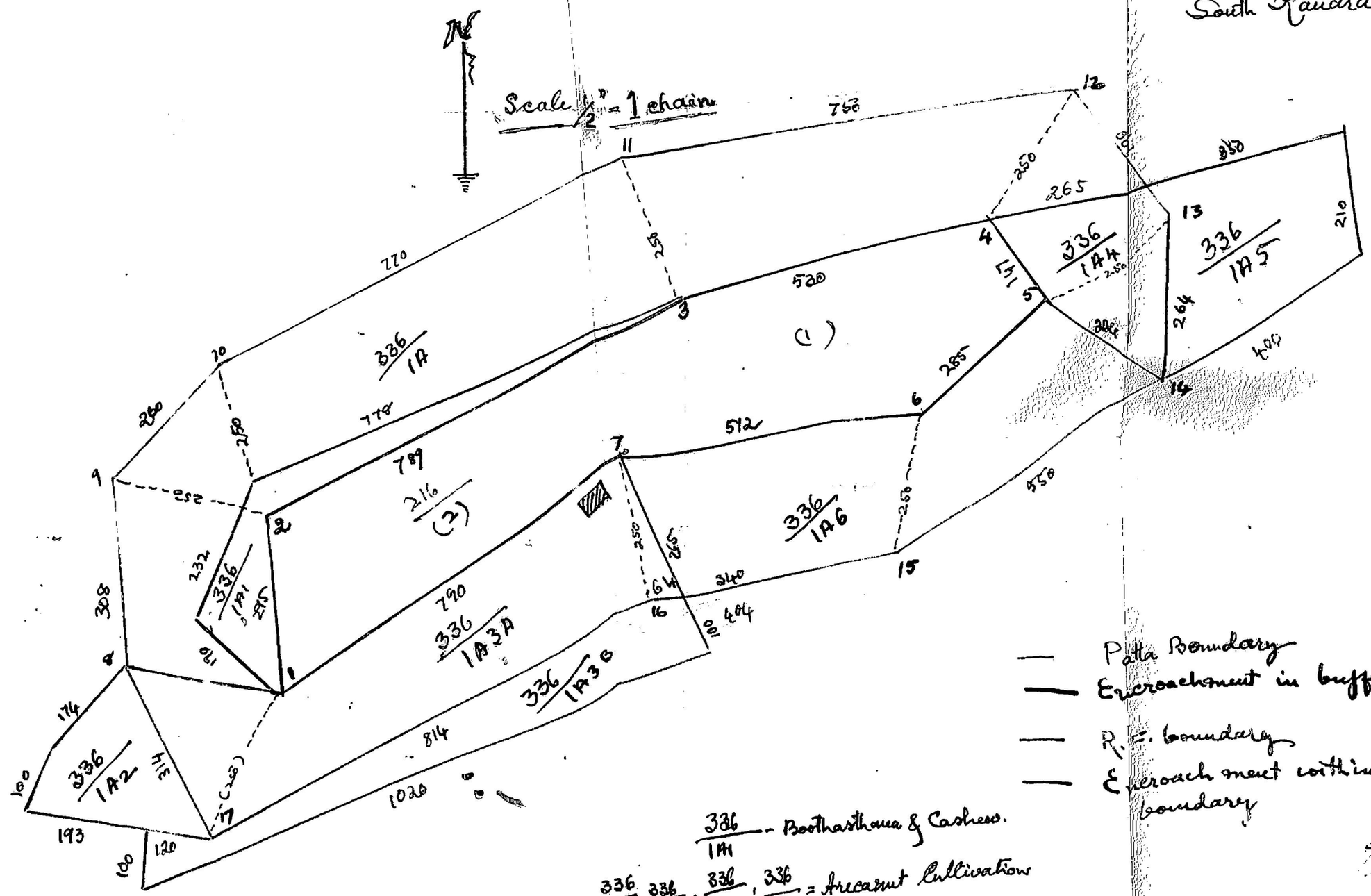
Copies

8/9

For Chief Conservator of Forests.

Alutty reserved Forest.

Encroachment sketch - Puttur Taluk - South Kanara.


Scale ½" = 1 chain
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9 9(14)

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To

The Chief Conservator of Forests
Mysore State, Bangalore.

Application from Chernur Aithappa Naika son of Kepu Naika c/o M.Raghavendra Rao, Advocate, Puttur South Kanara District.

Dated: 14 - 8 - 1958

Sir,

Lease - Forest land - Aletty village - Puttur Taluk S.Nos. 336/1A2, 336/1A3B and 336/1A5 - regarding.

Refce:- G.O.No.3407 dated 2nd November 1955 of the Madras Government

In the Government order cited (a copy of which is enclosed) the Collector has been directed to lease out the aforesaid S.Nos.336/1A2,336/1A3B and 336/1A5 falling within the Aletty Reserve Forest in my favour after consulting the Forest department.

2. As no action was taken with regard to leasing of these plots, I sent a petition on 10-7-56 (copy enclosed) to the Conservator of Forests, Ootacamund circle praying for early leasing out of the plots lying within the Reserve to me.

3. These plots contain improvements effected by me. My undisputed claim by reason of effecting the improvements has been conceded by the Madras Government. Apart from this my claim stand superior to claims of others as I am a members of aboriginal tribe. Among the several remedial measures suggested, grant of lands within the Reserve Forest is specifically mentioned in the "Report on the socio-Economic conditions of the aboriginal tribes of the Province of Madras". The relevant extract is enclosed in support of my claims and the policy of the Government.

4. About 15 days back the Forest Range officer Sullia recorded my statement in the matter of granting these lands on lease.

5. I learn that there is a sinister move on the part of a rich landlord to grab this land. I submit that I reside within a distance of 2 furlongs from these plots. Under these circumstances I invoke the protection guranteed to the tribal people by the Constitution of India and request you to grant the aforesaid plots on lease to me as decided by the Madras Government.

For which act of kindness and justice, I shall ever pray.

Yours faithfully

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(16) 11

(4)

G. S. App. F VI—G. 2]

SUBJECT Land (South Kanara) Puttur Taluk — Alli Aletti village S.No. 336/1A1, 336/1A2, 336/1A3, 336/1A3B, 336/1A4 & 336/1A1 — usufruct of trees and lease of plots — proposals accepted.

Diary No. of letter replied to.....

Mysore Government Secretariat

( )

the 195 .

Date of issue.....195

Signed by.....

Issued 4/11

May this be—

(i) printed?
(ii) treated as a Standing Order?
(iii) published in the Gazette, English Part?
(iv) translated?
(v) placed at the disposal of the Press?
(vi) published in the Gazette, Kannada Part?

Suggest you to favour this Govt with Secretariat file of the Govt of Madras leading to the issue of orders contained in their G.O. No MS 3407 dated 2.11.55 on the subject mentioned above so as to enable this Govt to dispose an application filed by Shri. Chermur Aithappa Naika Son of Kopu Naika of Puttur South Kanara Dist. in that behalf.

Section

Serial No.

File No. AFD 510 F&L 57

Proceedings of the Government of Mysore dt 4-11-57

To

~~Read~~ The Secretary to the Govt of Madras, Revenue ~~Agriculture & Forest~~ Dept Fort St. George, Madras.

Sir,

Ref. Madras Govt order no. MS. 3407 dt 2-11-1955 on the above mentioned subject

Order thereon.—No.

I am directed to invite your kind reference to the above order issued by the Govt of Madras sanctioning the lease to collect the usufruct of the ~~areas~~ trees in S.nos. 336/1A1, 336/1A3A & 336/1A4 of Aletti village to the petitioner,

Your faithfully

SPM

Dy to Govt

A.F.&L. Govt M.K.

(5) (17)

Sri Cheravur Dithappa Naik along with the base of 3 plots viz S.No. 336/1A2, 336/1A3B & 336/1A5 which falls in the Reserved Forest for cultivation of plantation products only to be granted, of course, with the concurrence of the Forest Department, now Forest Dept of this Govt in consequence of those areas being allotted to New State of Mysore. The applicant above named is urging upon this ~~Govt~~ Govt to giving effect to the order of Madras Govt.

~~It is ascertained by this Govt that the applicant has given away the lands granted to him to some one else,~~ The lands which were leased to the applicant are contested now by a different person. I am therefore to request you kindly to make available all the proceedings of your Govt leading to the issue of the Govt order no. MS 3407 dt 2-11-55 referred to above immediately, so to enlighten this Govt to take a final decision in this behalf

List of Enclosures.

Copied by

Examined by

Yours faithfully

WD 01789—GPB—PZS—100,000—25-2-58

Dy 8.

22/10/59

Copy to the CCF for info. w/r to his letter no. B3-Per-335/58 dt 21-9-59.

(18)
13

5 N.

AFD 510 FGL 59. dt 4-11-59

The
Agriculture & Forest Department.

The Secretary to the Government of Madras,
Revenue Department,
Fort St.George, MADRAS.

Sir,

Sub:- Land (South Kanara) Puttur Taluk - Aletti village S.Nos.336/1A1, 336/1A2, 336/1A3, 336/1A3B, 336/1A4 & 336/1A1 usufruct of trees and lease of plots - proposals accepted.

I am directed to request you to favour this Government with Secretariat file of the Government of Madras leading to the issue of orders contained in their Govt.Order No. MS 3407 dt.2-11-55 on the subject mentioned above so as to enable this Government to dispose an application filed by Shri Chernur Aithappa Naika son of Kepu Naika of Puttur, South Kanara District in that behalf.

Yours faithfully,
sd/-
(S.A. Mannan)
Deputy Secretary to Government,
Agriculture & Forest Department.

Copy to Chief Conservator of Forests, B'lore, for information with ref.to his letter No.B3-Pet.335/58 dt 21-9-59.

Deputy Secretary to Government,
Agriculture & Forest Department.

DV/3.11.

A935

COURT FEE INDIA 3Rs THREE RUPEES

BEFORE THE GOVERNMENT OF MYSORE, BANGALORE.

Petitioner:- Sri.Hooviah Gowda, residing at Aletti village, Puttur Taluk (S.K).

Sub:- Regarding the disposal of Sy.Nos.336 A-1, 336 A-2 and 336 1A-5, of Alletti village, Puttur taluk, (South Kanara).

The petitioner above named begs to state as follows:-

1. The petitioner has been served with a notice on 16-10-59 from the Forest Range Officer, Sulya Division, (S.K.) stating that the petitioner has to be evicted from the aforesaid land in S.No:336 of Aletti village, failing which further proceedings will be taken against him. The notice also states that an endorsement is given on the orders of Chief Conservator of Forests No.B.3-PT 335 of 59 dated 18th Septr.59. The said endorsement is produced herewith. The petitioner submits that the said lands in Sy.No:336 is in possession and enjoyment of the petitioner eversince 1942 when he purchased Hiduvali lands in S.No:216 of Aletti village from one Kepu Naik and Aithappa Naik. It is seen in the sale deed that the land has been encroached upon by the vendors even prior to 1942 and actually the lands were cultivated with Areca trees of about 30-40 years. Eversince the date of purchase by the petitioner he was in possession and enjoyment of these lands and he has also improved the lands considerably for all these 15 years or so. The petitioner has also made several applications to the Forest Department for granting this land to the petitioner but they were not heard of later for reasons best known to the department.

MYSORE GOVERNMENT SECRETARIAT No. 10081

p.t.o

2. Even for the lands surrounding Sy.No:216 which are the revenue lands in Sy.No:336 there was considerable litigation before the Government of Madras and before the Government of Mysore. Government of Mysore in their order No.R.D. 72 LGU 57 dated 10th July 1958 have granted the land in favour of the petitioner and the matter is pending before the High Court of Mysore in Writ Petition No.549 of 58. Even according to the said Government Order the petitioner is entitled for the surrounding lands in S.No:336 belonging to the Revenue Department.

3. The petitioner submits that the entire land belonged to the Revenue department prior to 1917 when by the Government Order of Madras the reservation of the forest lines arround the hiduvali lands was created. The encroachment by the said Kepu Naik and others was obviously done prior to 1917 and hence the anomoly has arisen in this case. A careful examination of the records in this case will clearly prove the aforesaid facts. Thus it is clear that even in equity the petitioner is entitled for the grant of these Survey Numbers encroached by the petitioner's predecessors in title.

4. The present order passed by Chief Conservator of Forest will clearly create an unhealthy competition due to the ill-feelings between the villagers who are enimically disposed towards the petitioner. The said Aithappa Naik and his supporters are trying to knock of this land for themselves. The said lands all surrounding the hiduvali lands of the petitioner in Sy.No:216 and without the lands in S.No:336 proposed to bedisposed of in public auction it will be very difficult for the petitioner to enjoy his valuable lands in S.No:216. It is therefore very inequitable and unjust if the said lands are sold in public auction every year. For no fault of the petitioner, he will be undergoing great hardship and inconvenience and danger to his person and property unnecessarily by the leasing of these lands

lands temporarily. If it is not possible to grant the lands in favour of the petitioner permanently it is but right in equity that the same has to be leased on a permanent basis to the petitioner on a fixed rent. There are innumerable instances in South Kanara, where Forest lands have been leased out permanently for 50 or 100 years and the same rule may be applied in this case also.

Wherefore the petitioner prays that the benign Government may be pleased to set aside the order No.B.3-PT. 335 of 58 dated 18th Septr.59 passed by the Chief Conservator of Forests and grant the land to the petitioner permanently or in the alternative the same may be leased out to him permanently on a fixed rental and thus avoid danger to the person and property of the petitioner. A stay order may kindly be issued in this case pending disposal of the above petition as the Local Range Officer is trying to sell away the lands, and the right of picking the garden crop the produce in the said lands belonging to the petitioner in the interests of justice and equity.

ADVOCATE FOR PETITIONER. PETITIONER.

19. 10. 1959

I, the petitioner, above named do hereby declare that what is stated above is true to the best of my knowledge, information and belief.

BANGALORE PETITIONER.

Dated: 19th Octr.59

Bsp/- Records pertaining to the subject are called for from the Govt of Madras on reference received from the CCF (D. 9058) and the file (AFD 510 F 9h 59) is submitted on 22/10/59. If approved, pps from the Govt of Madras, may be awaited and the proceedings in the meanwhile will be complied with the concerned file

3.XI.59

Re. 134/59

Office of the Forest Range Officer
Sullia, S. K.

(22)

To Sri. Hoovaya Gowda.
Kolchar.

(19)

Dt/10.10.59.

Sub:- Forest Land — Ally Village. Reg. No. 336/A2 336/A3B. and 336/1A5 — Seizure of Yeild — ordered by Chief Conservator of Forests — information

Ref:- 1) Chief Conservators Ry. No B3 - Red. 335/58 dt/18/01.58. Sept. 59

2) DNO Ry. No 136 V8/58 es-dt/ 4.10.59

As per the above Chief Conservators order you are hereby directed to vacate the encroachment S. No 336/A2 - 336/A3B. and 336/1A5 of Ally Village. Otherwise. which is within the Ally Reserved Forest failing which further proceedings will be taken against you.

10/10/59

Forest Range Officer
Sullia, S. K.

P.T.O.

ಶಾ 12-10. ಶ್ರೀ ಶಾಲ್ಮ

ಶ್ರೀ ಚಂದ್ರಶೇಖರ ಪ್ರೇಕ್ಷಕ

(24) 21 18

COURT FEE INDIA 3Rs THREE RUPEES MYSORE

In the Court of Before the Government of Mysore Bangalore.

Petition No. OF 1959.

Plaintiff/Appellant/Petitioner Decree-Holder/Claimant Complainant		Defendant/Respondent Judgment-Debtor Accused
Sri. Hooviah Gowda	Vs.	

1. I/~~We~~ Petitioner above-named do, by these presents, retain Sri T. P. Muddappa B.A. LL.B Advocate Chickballapur. Bangalore to appear and conduct the above case on my/our behalf to judgment.

2. I/We further empower him/them to appear, plead, file petitions, enter into compromise and do all necessary acts in the above case, to execute any decree or order that may be passed in my/our behalf, to perfer an appeal from any order, judgment, and to receive from the Court all documents, refunds and all sums of money that I/We may be entitled to get and grant receipts therefor and to effect compromise or settlement.

3. I/We also undertake to confirm and ratify all the acts done by any of the said Advocates or by any other Advocate or Pleader on his/their behalf in so doing.

4. I/We further agree that if I/We fail to pay the fees agreed upon or to give due instructions at proper stages, he/they is/are at liberty to retire from the case and recover all dues due to him/them and retain all my/our papers till such dues are paid.

ಹೂವಯ್ಯಗೌಡ

Place Bangalore city

Date 19.9.1959

Personally known to me and Signed in my presence.
Satisfied as to identity of Signature of Executant.

Accepted

Advocates for petitioner

Date 19.9.59

Sold at : The Bangalore Legal Practitioners' Co-operative Society, Ltd., Bangalore-2.

9.A*

BEFORE THE GOVERNMENT OF MYSORE, BANGALORE.

Petitioner:- Sri.Hooviah Gowda, residing at Aletti village, Puttur Taluk (S.K).

Sub:- Regarding the disposal of Sy.Nos.336 A-1, 336 A-2 and 336 1A-5, of Alletti village, Puttur taluk, (South Kanara).

The petitioner above named begs to state as follows:-

1. The petitioner has been served with a notice on 16-10-59 from the Forest Range Officer, Sulya Division, (S.K.) stating that the petitioner has to be evicted from the aforesaid land in S.No:336 of Aletti village, failing which further proceedings will be taken against him. The notice also states that an endorsement is given on the orders of Chief Conservator of Forests No.B.3-PT 335 of 59 dated 18th Septr.59. The said endorsement is produced herewith. The petitioner submits that the said lands in Sy.No:336 is in possession and enjoyment of the petitioner eversince 1942 when he purchased Hiduvali lands in S.No:216 of Aletti village from one Kepu Naik and Aithappa Naik. It is seen in the sale deed that the land has been encroached upon by the vendors even prior to 1942 and actually the lands were cultivated with Areca trees of about 30-40 years. Eversince the date of purchase by the petitioner he was in possession and enjoyment of these lands and he has also improved the lands considerably for all these 15 years or so. The petitioner has also made several applications to the Forest Department for granting this land to the petitioner but they were not heard of later for reasons best known to the department.

p.t.o

2. Even for the lands surrounding Sy.No:216 which are the revenue lands in Sy.No:336 there was considerable litigation before the Government of Madras and before the Government of Mysore. Government of Mysore in their order No.R.D. 72 LGU 57 dated 10th July 1958 have granted the land in favour of the petitioner and the matter is pending before the High Court of Mysore in Writ Petition No.549 of 58. Even according to the said Government Order the petitioner is entitled for the surrounding lands in S.No:336 belonging to the Revenue Department.

3. The petitioner submits that the entire land belonged to the Revenue department prior to 1917 when by the Government Order of Madras the reservation of the forest lines around the hiduvalli lands was created. The encroachment by the said Kepu Naik and others was obviously done prior to 1917 and hence the anomaly has arisen in this case. A careful examination of the records in this case will clearly prove the aforesaid facts. Thus it is clear that even in equity the petitioner is entitled for the grant of these Survey Numbers encroached by the petitioner's predecessors in title.

4. The present order passed by Chief Conservator of Forest will clearly create an unhealthy competition due to the ill-feelings between the villagers who are enimically disposed towards the petitioner. The said Aithappa Naik and his supporters are trying to knock of this land for themselves. The said lands all surroundin g the hiduvalli lands of the petitioner in Sy.No:216 and without the lands in S.No:336 proposed to bedisposed of in public auction it will be very difficult for the petitioner to enjoy his valuable lands in S.No:216. It is therefore very inequitable and unjust if the said lands are sold in public auction every year. For no fault of the petitioner, he will be undergoing great hardship and inconvenience and danger to his person andpx property unnecessarily by the leasing of these lands

lands temporarily. If it is not possible to grant the lands in favour of the petitioner permanently it is but right in equity that the same has to be leased on a permanent basis to the petitioner on a fixed rent. There are innumerable instances in South Kanara, where Forest lands have been leased out permanently for 50 or 100 years and the same rule may be applied in this case also.

Wherefore the petitioner prays that the benign Government may be pleased to set aside the order No.B.3-PT. 335 of 58 dated 18th Septr.59 passed by the Chief Conservator of Forests and grant the land to the petitioner permanently or in the alternative the same may be leased out to him permanently on a fixed rental and thus avoid danger to the person and property of the petitioner. A stay order may kindly be issued in this case pending disposal of the above petition as the Local Range Officer is trying to sell away the lands, and the right of picking the garden crop the produce in the said lands belonging to the petitioner in he interests of justice and equity.

ADVOCATE FOR PETITIONER. PETITIONER.

I, the petitioner, above named do hereby declare that what is stated above is true to the best of my knowledge, information and belief.

BANGALORE PETITIONER.

Dated: 19th Octr.59

Bsp/-

M. G. S. App. F VI—G. 2]

(10)

SUBJECT as in 13/c

Diary No. of letter replied to

Mysore Government Secretariat

( )

the 195 .

Date of issue 195

Signed by

Issued ~~with~~ ~~accompt~~

17-3-60

May this be—

(i) printed?
(ii) treated as a Standing Order?
(iii) published in the Gazette, English Part?
(iv) translated?
(v) placed at the disposal of the Press?
(vi) published in the Gazette, Kannada Part?

Section

Serial No.

File No. AFD 510 FGL 59 dt 17-3-60

Proceedings of the ~~Government~~ of Mysore

To

Read— The Secretary to the Govt of Madras, Rev. Dept. Fort St. George, Madras.

Sir,

I am to invite your reference to this Govt's letter of even no. dt 4-11-59 on the subject stated above, and to request you kindly to expedite reply thereto.

Yours faithfully,

11/3

Order thereon.—No.

1/2/60

Appendix F. G.—1]

(11)

(29) 29

SUBJECT ..... as in p.13/c.

Diary No. of letter replied to .....

Section

File No. AFD 510 FGL 59.

Mysore Government Secretariat.

Serial No. dt 17-3-60

( )

the *195* .

No.

To

The High Court Government Pleader
High Court Buildings,
Bangalore-1.

Date of issue .....

Signed by .....

Sir,

With referece to your D.O. letter No.6604/59-60 dated 16-3-60 on the subject addressed to the u/s ~~Secy.~~ to ~~the~~ Government, Revenue Department, I forward herewith the file bearing no.RD 72 LGU 57 as desired and request you kindly to return the records as soon as done with, to Government in the Agriculture & Forest Department.

Yours faithfully,

Ds. 16/3

Issued with file
17-3-60

Copy to the R.D.with ref.to their no.RD 3368/60 dt.16-3-60, for information.

16/3
DS.A&FD.

List of enclosures .....

Copied by .....

16/3.

Examined by .....

(30) 31

GOVERNMENT OF MYSORE.

(12)

D.M. CHANDRASEKHAR,
High Court Government Pleader.

HIGH COURT BUILDINGS,
BANGALORE-1,

Dated. 16...-3-...1960.

D.O. No. 6604/59-60.

Immediate

Dear Shri Venkatagiri Raju,

Please send with the bearer the Secretariat Records relating to G.O. No. L.G.O.-57 dated 10-7-1958. The records are required in Writ Petition No.549 of 1958 which has come up for hearing now.

The records relate to grant of land in South Kanara District.

Yours sincerely,

(D.M. Chandrasekhar)
High Court Government Pleader.

3368/B
15 MAR 1960
REVENUE

Shri M. Venkatagiri Raju,
Under Secretary,
Revenue Department,
Vidhana Soudha,
BANGALORE.

Lgk.

GOVERNMENT OF MYSORE. (21)

12A

33

Mysore Government Secretariat

6262

Requisition for papers

Section Revenue Dept

A

B

Filed

Deposit No.

File No. R 72 LQ 57

Serial No.

To be put up Diary No. 742 of 1957

Signature

Branch Revenue

Section

Date 16. 3. 6

WD 08557—GPB—2,000 bks. of 100 pages each—9-9-53

(32)

(23)

35

Subject:

From Lands & Letters
Pattan Taluk Srs.
336/B2 petition
by Smt. Chenna
Nattappa Naik

(D72 LQ&US)
(Sub)

The file was obtained from gl revenue W/2
D.D.No 19433/B & again the file from A&F Dept
No. 510 F GL59 of 11/11/59 are returned along with
R.D. file cited above as not readily available R.D.
and A&F Dept has to be requested to comply the
request of Govt Pleader of 16.3.60.

For immediate compliance

16/3

16/3

16/3

16/3

M. VENKATACHALAM
Section Officer

(32)

37

AGRI & FOREST DEPARTMENT
No. 1
TAPPAL SECTION
Date 3/4
M G S

Revenue Department.
***

Letter No.30030--F3/60-1,

MYSORE GOVERNMENT SECRETARIAT
No. 3252
8 - APR
FOREST BRANCH

From

Sri D. Philip Devaprasad, M.A.,
Deputy Secretary to Government.

To

The Secretary to the Government of Mysore,
Agriculture and Forest Department,
Mysore Government Secretariat
B A N G A L O R E. *

Fort St. George, Madras-9, dated the 1st April, 1960.

Sir,

Sub: RECORDS - G.O.Ms.No.3407, Revenue dated 2.11.55 - Land - (South Kanara) - Puttur Taluk - Aletti Village - S.No.336/IAI etc. - Lease of plots.
Ref: Your letter No.AFD.510-FGL/59, dated 17-3-60.

.....

I am directed to state that final reply to your letter No.AFD. 610-FGL/59, dated 4-11-1959, was sent with this Government's letter

P.T.O.

(34)

(15)

No.100395-F3/59-1, Revenue dated 26-11-59, a copy of which is enclosed.

Yours faithfully,

G.K. Mahadevan
2-4-60.
(G.K. MAHADEVAN)
for Deputy Secretary to Government.

*ENCLOSURE.

sm.2.4.

158.

Copy of letter No.100395-F3/59-1, dated 26-11-1959, from the Deputy Secretary to Government, Revenue Department, Madras-9, addressed to the Secy. to the Govt. of Mysore, Agriculture and Forest Dept., Bangalore.

Sub: RECORDS - G.O.Ms.No.3407, Revenue 2-11-55 - Land - (South Kanara) - Puttur Taluk - Aletti Village - S.Nos.336/IAI etc. Lease of plots.

Ref: Your letter No. AFD 610 GL/59, dated 4-11-59.

.....

I am directed to state that the original of G.O.Ms.No.3407, Revenue dated 2-11-55 was transferred to the Government of Mysore Revenue Department with this Government's letter No.95240-F3/58-1, Revenue, dated 7-11-58 and that the receipt of that record was acknowledged by the Government of Mysore Revenue Department in their letter R.D. 68 LGV 58 dated 18-11-58.

(Sd) D. DHANARAJ,
for Deputy ~~xxxxxxxx~~ Secretary to Government.

(True Copy)

K.P. Kumar 2.4.60
Superintendent

srn.2.4.

GOVERNMENT OF MYSORE

(38) 41

(16)

OFFICE OF THE ADVOCATE-GENERAL
FOR MYSORE,

No. 313/60-61
Encl - Records.

Bangalore-1, dated 19th April 1960.

FROM

The Advocate-General for Mysore,
Bangalore.

MYSORE GOVERNMENT SECRETARIAT
No. 3814
22 APR
510 FGL
FOREST BRANCH

To

The Secretary to Government of Mysore,
Agriculture & Forest Department,
Bangalore.

AGRICULTURE & FOREST DEPARTMENT
58
21/4

SIR,

Sub:- Writ Petition No.549/58 on the file of the High Court of Mysore (C.Aithappa Naika -vs- The State of Mysore and others).

With reference to your letter No.AFD 510 FGL 59 dated 17-3-1960, I am returning herewith the entire records in the above case.

The receipt of the same may kindly be acknowledged.

Yours faithfully,

For Advocate-General.

nbr/pr:

Sri V
22/4

(37) 43

M. G. S. App. F VI—G. 2]

(17)

SUBJECT.....REJECTS: Petition of Sri.Chernur Aithappa Naik in respect of request for forest land in Alletty village in Puttur Taluk - S.No.336/A2, 336/A3B and 3361A5.

Diary No. of letter replied to.....

Mysore Government Secretariat

( )

the 195 .

Date of Issue.....195

Signed by.....

Not to be

1897.

May this be—

(i) printed?
(ii) treated as a Standing Order?
(iii) published in the Gazette, English Part?
(iv) translated?
(v) placed at the disposal of the Press?
(vi) published in the Gazette, Kannada Part?

Section

Serial No.

File No. AFD 510 FGL 59.

Proceedings of the Government of Mysore

Read-(i) Madras Government Order No.Ms. 3407 dated 2nd November 1955.

(ii) Mysore Government Order No.RD 72 LGU 57 dated 10th July 1958.

(iii). Letter no.B3.Pet.335/58 dated 21st September 1959 from the CCF,B'lore.

ORDER

The Government of Madras in their Order dt.2-11-55 sanctioned the lease to Sri.Aithappa Naika of the usufruct of Order thereon.—No. of the trees on the three plots viz., 336/1A1, 336/1A3A and 336/1A4 of Aletti village in Puttur Tk, South Kanara District which lie between the Aletti Reserved Forest and the patta lands in S.Nos.216 and 216/2 within a belt area of 50 ~~years~~ yards of the Reserved Forest, along with other three plots namely 336/1A2, 336/1A3B and 336/1A5 which lie within the Aletti Reserved Forest, subject however to the ratification by the Forest Department.

2. From the records it is seen that one Sri.Kepu Naika father of Sri.Aithappa Naika was the grantee of S.Nos.216/1 and 216/2 of Aletti village. While cultivating these lands the said Sri.Kepu Naika had encroached upon the adjoining Government lands. Sri.Kepu Naika had hypothicated the above two survey numbers

in favour of one Sri.Kariya Naika. As the mortgager did not discharge the debt, the mortgagee's son one Sri.Pattu Naika filed a suit and obtained a decree. In order to discharge the decretal debt, Sri.Kepu Naika and his two sons, one of whom is Sri.Aithappa Naika, sold the lands in S.No. 216/1 and 216/2 of Aletti R.F. ~~along with the encroached areas~~ in favour of Sri.Poovayya Gowda by means of a registered sale deed dated 22nd April 1941. From that land Sri Poovayya Gowda was enjoying the ~~Sri.Aithappa Naika who was a party to the sale deed cannot now get possession of the encroached area.~~ encroachments made by Sri Kepu Naik and his sons. in S.Nos 336/1A2, 336/1A3B and 336/1A5

3. In Government order no.RD 72 LGU 57 dt.10-7-1958, Government on the recommendation of the Deputy Commissioner and the Divisional Commissioner have granted the assignment of S.Nos.336/1A1, 336/1A3A and 336/1A4 to Sri. Poovayya Gowda for an upset price to be fixed by the Deputy Commissioner.

4. The CCF in his letter stated above now recommenda rejection of the Petition of Sri.Aithappa Naika along with the recommendation to cance the Madras Government order referred to above.

5. In the circumstances narrated by the CCF and the DFO, S.K.Mangalore, and after having considered all aspects of the question in detail, Governmen direct that the orders issued in Madras Government order no.Ms.3407 dt. 2-11-55 be treated as cancelled ~~in so far as the grant of areas referred to therein except the areas referred to in para 3 above and in Government Order No.RD 72 LGU 57 dt.10-7-1958.~~ The petition of Sri.Aithappa Naika is also hereby rejected.

6. The CCF is requested to take action accordingly in the matter and also take steps to vacate the areas encroached by Sri.Poovayya Gowda, the successor, by virtue of sale deed, to Sri.Aithappa naika, inside the Reserve Forest.

By Order and in the name of the Governor of Mysore,

DS.A&FD.

To

The CCF
The R.D. for information along with the file RD 72 LGU 57.
The D.C.South Kanara, Mangalore for information.
The W.G.

15/6/60.

Copied by

Examined by

WD 04097—GPB—PZS—1,00,000—22-3-60

(20) (40) 47

M. G. S. App. F VI—G. 2]

SUBJECT REJECTS: Petition of Sri.Chernur Aithappa Naik in respect of request for forest land in Alletty village in Puttur Taluk, S.No.336/A2, 336/A3B and 336/1A5.

Diary No. of letter replied to.....

Mysore Government Secretariat

( )
the 195 .

Date of issue.....195

Signed by.....

May this be—
(i) printed?
(ii) treated as a Standing Order?
(iii) published in the Gazette, English Part?
(iv) translated?
(v) placed at the disposal of the Press?
(vi) published in the Gazette, Kannada Part?

Section

Serial No.

File No. AFD 510 FG 59.

Proceedings of the Government of Mysore

Read— Madras Government Order No.Ms.3407 dated 2nd November 1955.

ii) Mysore Government Order No.RD 72 LGU 57 dated 10th July 1958.

iii) Letter no.B3.Pet.335/58 dated 21st September 1959 from the CCF,Bangalor

ORDER.

The Government of Madras in their Order dt.2-11-55 sanctioned the lease to Sri.Aithappa Naika of the usufruct of the trees on the three plots viz., 336/1A, 336/1A3A and 336/1A4 of Aletti village in Puttur Taluk, South Kanara District which lie between the Aletti Reserved Forest and the patta lands in S.Nos.216/1 and 216/2 within a belt area of 50 yards of the Reserved Forest, along with other three plots namely 336/1A2, 336/1A3B and 336/1A5 which lie within the Aletti Reserved Forest, subject however to the ratification by the Forest Department.

2. From the records it is seen that one Sri.Kepu Naika father of Sri.Aithappa Naika was the grantee of S.Nos. 216/1 and 216/2 of Aletti village. While

Order thereon—No.

cultivating these lands the said Sri.Kepu Naika had encroached upon the adjoining Government lands. Sri. Kepu Naika had hypothicated the above two survey numbers in favour of one Sri.Kariya Naika. As the mortgager did not discharge the debt, the mortgagee's son one Sri.Pattu Naika filed a suit and obtained a decree. In order to discharge the decretal debt, Sri. KepuNaika and his two sons, one of whom is Sri.Aithappa Naika, sold the lands along with the encroached areas in favour of Sri.Poovayya Gowda by means of a registered sale deed dated 22nd April 1941. Sri Aithappa Naika who was a party to the sale deed cannot now get possession of the encroached area.

3. In Govt. Order No.RD 72 LGU 57, dt. 10-7-1958 Govt. on the recommendation of the D.C. and the Dvl. Commr. have granted the assignment of S.Nos.336/1A1, 336/1A3A and 336/1A4 to Shri Poovayya Gowda for an upset price to be fixed by the D.C.,

4. The C.C.F. in his letter stated above now recommends rejection of the Petition of Shri Aithappa Naika along with the recommendation to cancel the Madras Govt. order referred to above.

List of Enclosures.

5. In the circumstances narrated by the C.C.F. and the D.F.O., S.K., Mangalore and after having considered all aspects of the question in detail, Govt. direct that the orders issued in Madras Govt. order No.Ms.3407, dt. 2-11-55 be treated as cancelled. The petition of Shri Aithappa Naika is hereby rejected.

6. The C.C.F. is requested to take action accordingly in the matter and also take steps to vacate the

areas.....

Copied by

Examined by

(19) (39) 45

Dr. K.Kadambi, M.Sc., D.Sc.(Munich),
Chief Conservator of Forests.

Bangalore,
Dated 24-6-60.

D.O.No.B3- Pet- 335/58

Dear Sri Murthy,

Sub:-Land (South Kanara) Puttur Taluk - Aletti village S.Nos. 336/1A1, 336/1A2, 336/1A3 usufract of trees and lease of plots.

I invite your kind reference to Government letter No. AFD 510 FGL 59 dated 4-11-1959 on the above subject and request you kindly to intimate the decision taken by Government in the matter early.

Yours sincerely,

Sri K.S.N.Murthy, I.A.S.,
Deputy Secretary to Government,
Agriculture and Forest Department,
Bangalore.

AS/20/6.

MYSORE GOVERNMENT SECRETARIAT
No. 5629
25 JUN
FOREST BRANCH